

**RESOLUTION NO. 2006-045**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA AMENDING SECTION 8 OF PART IX OF THE CITY COUNCIL PROTOCOLS ENTITLED "TRAVEL EXPENSE REIMBURSEMENT"**

**Whereas**, Section 8 of Part IX of the City Council Protocols currently sets forth the Council's rules relating to reimbursement of travel expenses incurred by Councilmembers in the performance of their official duties; and

**Whereas**, in 2005, the California Legislature adopted Assembly Bill (AB) 1234 that adds Sections 53232.2 and 53232.3 to the California Government Code which, effective January 1, 2006, mandates local agencies to adopt expense policies applicable to the City Councilmembers and other designated public officials that are consistent with all of the requirements set forth therein; and

**Whereas**, by this Resolution the City Council is amending the expense reimbursement rules set forth in Section 8 of Part IX of the City Council Protocols in a manner that conforms such rules to the requirements of AB 1234.

**Now, therefore**, be it resolved by the City Council of the City of San Buenaventura that Section 8 of Part IX of the City Council Protocols currently entitled, "Travel Expense Reimbursement," be and is hereby re-entitled, "Expense Reimbursement," and amended in its entirety to read as follows:

**8 EXPENSE REIMBURSEMENT**

**1. Authorized Expenses**

- a. Expenses incurred by Councilmembers in connection with the following types of activities constitute authorized expenses and will be reimbursed without prior approval of the City Council:
- (1) Local travel to attend City Council meetings and meetings of the various City Committees to which they have been appointed;
  - (2) Local travel to attend educational seminars related to City concerns and issues;
  - (3) Local travel to attend local community functions and events as part of the City's outreach efforts;

- (4) Local and non-local travel to attend meetings of other local government and non-government agencies to which they have been appointed to sit as the City of San Buenaventura representative; and
  - (5) Communications with public officials and employees of local, regional, state, and national organizations and governmental agencies to discuss City policies and issues.
- b. Expenses incurred by Councilmembers in connection with all non-local travel other than travel to attend meetings of other local government and non-government agencies to which they have been appointed to sit as the City of San Buenaventura representative, constitute authorized expenses and will be reimbursed. However, any out of state travel must have been approved in advance by the City Council.
- c. The following expenses are not authorized expenses and will not be reimbursed when incurred by a Councilmember:
- (1) The personal portion of local or non-local travel;
  - (2) Expenses incurred for alcoholic beverages;
  - (3) Entertainment expenses, including concerts, theater, movies (either in-room or at a theater), and sporting events (including gym, massage, and/or golf or tennis related expenses);
  - (4) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance, or gasoline;
  - (5) Family expenses including a partner's expenses when accompanying a Councilmember on City related travel, as well as children or pet related expenses; or
  - (6) Personal losses while engaged in City related travel.

## 2. Travel: Local

- a. **Local Travel Defined** - Local travel is defined as travel of less than 100 miles roundtrip not requiring an overnight absence from the City.
- b. **Local Travel Allowance** - Councilmembers engage in considerable local travel each month to attend numerous City Council meetings and meetings of the various City Committees to which they have been appointed, to attend educational seminars and meetings of all of the other local government and non-government agencies on which they sit as the City of San Buenaventura representative, and to attend various local community functions and events as part of the City's outreach efforts.

To compensate Councilmembers for automobile, parking, and other transportation expenses incurred by them in connection with the local travel necessary to attend meetings, seminars, functions, and events, the Mayor will be paid a local travel allowance of \$300/month and each Councilmember will be paid a local travel allowance of \$200/month.

- c. **Payment of Local Travel Allowance** - Payment of the local travel allowance will be made through the City's regular biweekly payroll direct deposit system along with the Mayor's and each Councilmember's monthly compensation. However, in order to conform to Internal Revenue Service regulations, each Councilmember's local travel allowance will be treated as income and, therefore, will be subject to income tax withholding requirements.

## 3. Travel : Non-Local

- a. **Non-Local Travel Defined** - Non-local travel is defined as official travel involving at least one overnight absence from the City of San Buenaventura and/or to a destination exceeding 100 miles round-trip distance from the City of San Buenaventura.
- b. **Reimbursements for Transportation Expenses Incurred for Non-local Travel.** Councilmembers will be reimbursed for transportation expenses incurred in connection with non-local travel as follows:

- (1) **Vehicles** - Private vehicles may be utilized for in-state travel and cost of such use reimbursed at the current Internal Revenue Service standard mileage rate for business-related automobile expenses for mileage that is in excess of 100 miles. The reimbursement rate will not be granted if the City credit card is used to pay for the fuel.

When private vehicles are not used, City vehicles or rented vehicles may be used for transportation at a destination when appropriate. Such rentals will be reimbursed at actual costs. However, Councilmembers are encouraged to rent automobiles at rates that are equal to or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>). When renting vehicles, the charge for the Collision Damage Waiver (CDW) should be declined.

Councilmembers driving vehicles in the course of non-local travel shall be able to provide a valid California driver's license and proof of personal automobile insurance coverage upon request.

In addition, bridge and road tolls will be reimbursed at actual cost, and automobile parking shall be reimbursed at actual cost for non-valet parking in a parking lot.

- (2) **Airlines** – Airfares will be reimbursed at actual cost. However, Councilmembers are encouraged to book air travel between the City of San Buenaventura and a destination at airfares that are equal to or less than economy, coach, or those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (<http://www.cacities.or/travel>).

The City will not pay for any portion of a first-class or business-class fare except under the most unusual of circumstances, ordinarily limited to an emergency.

- (3) **Railroad** - The use of railroads for non-local transportation is permitted where the railroad provides a reasonably direct and time-efficient manner of travel

between the City of San Buenaventura and a destination. The reimbursement rate for travel by railroad shall be the basic coach rate in effect at the time of the travel.

- (4) **Taxicab Shuttles and Buses** - The reimbursement for non-local travel expense by taxicab, shuttle, or bus shall be at actual cost plus a gratuity not to exceed 15% in the case of taxicabs and shuttles.

c. **Reimbursement for Lodging Expenses Incurred in Connection with Non-local Travel** - Councilmembers will be reimbursed for lodging expenses when engaged in non-local travel that reasonably requires an overnight stay as follows:

- (1) **Lodging Selection** - Councilmembers may secure lodging at hotels or other lodging facilities up to and including hotels and lodgings facilities that have been assigned a four star rating by the California State Automobile Association, Priceline.com, or other similar sources that rate hotels and other lodging facilities on a five star basis. However, when selecting lodging in connection with a conference in which the conference sponsor has reserved hotel rooms or other lodging accommodations at group rates, Councilmembers may not select lodging at other hotels or lodging facilities with a room rate that exceeds such group rates.
- (2) **Room Rates** - In negotiating room rates, Councilmembers should make every effort to request and take advantage of government rates or other special room rates when available. A listing of hotels that offer government rates in different areas of the state or county is available at <http://www.catravelsmart.com/lodguideframes.htm>.
- (3) **Eligible Costs** - Councilmembers will be reimbursed for the actual cost of room rents, extra room rental fees, and all applicable taxes on such rents and fees. In addition, Councilmembers will be reimbursed for gratuities paid to hotel bellhops for baggage assistance at a rate not to exceed \$2.00 / bag.

#### 4. Meal Expenses

a. **Authorized Meal Reimbursements** – Councilmembers will be reimbursed for meal expenses, including gratuities, incurred by them in the performance of their official duties under the following circumstances:

- (1) When engaged in authorized non-local travel; or
- (2) When discussing City related issues during a meal with a federal, state or local official or employee in the course of local or non-local travel.

b. **Meal Reimbursement Rates** - Reimbursable meal expenses and associated gratuities will be reimbursed in amounts not exceeding the following rates:

- |               |          |
|---------------|----------|
| (1) Breakfast | \$ 12.00 |
| (2) Lunch     | \$ 18.00 |
| (3) Dinner    | \$ 35.00 |

The standard per diem rate for non-local travel is \$65 per day, including sales tax and tip. No receipts are required for meal reimbursements up to the per diem rate. Reimbursements for meals exceeding the per diem rate require a receipt.

c. **Adjustments to Meal Reimbursement Rates** - Meal reimbursement rates will be adjusted by the Chief Financial Officer on an annual basis to reflect cost of living increases as established by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Los Angeles Metropolitan Area.

#### 5. Telecommunication Expenses

a. **Telephone/Fax/Cellular** - Councilmembers will be reimbursed for actual telephone and fax expenses incurred in connection with City business provided telephone bills submitted for reimbursement identify which calls were made on City business. When a Councilmember makes telephone calls on a personal cellular telephone in connection with City business pursuant to a cellular phone plan that includes a

particular number of allotted minutes in consideration of a bundled fee, the Councilmember will be reimbursed for a portion of the bundled fee based on the percentage of calls made in connection with City business if he or she can identify the percentage of calls made in connection with city business.

- b. **Internet** - Councilmembers will be reimbursed for Internet access connections and/or usage fees when engaged in non-local travel in an amount not to exceed \$15.00 per day, if Internet access is necessary for City related business.

## 6. **Expense Reimbursement Procedures**

- a. **Expense Reports Form** - Expense reimbursement requests must be submitted on an expense report form provided by the City Manager. This form shall include the following advisory:

*"All expenses reported on this form must comply with the city/county/district's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the city/county/district's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability."*

- b. **Expense Report Documentation** - Expense reports must document that the expense in question met the requirements of this policy. For example, if a Councilmember meets with a legislator, the Councilmember should explain whose meals were purchased, what issues were discussed, and how those relate to the City's legislative positions and priorities.
- c. **Expense Report Filing Requirements** - Councilmembers must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

- 7. **Audits of Expense Reports** - All expenses are subject to verification that they comply with this policy.

8. **Reports at City Council Meetings** - At each regular meeting of the City Council, Councilmembers shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

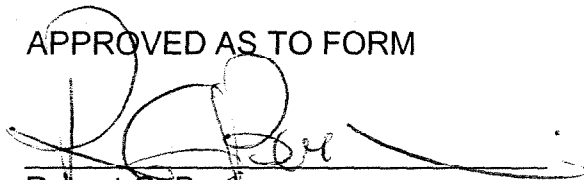
In addition, all non-local travel will be reported on the Council's Quarterly Travel Report.

9. **Compliance with Laws** - Councilmembers should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws and regulations. All City expenditures are public records subject to disclosure under the State Public Records Act.

10. **Policy Violations** - Use of City resources or falsifying expense reports in violation of this policy may result in any or all of the following: (i) loss of reimbursement privileges, (ii) a demand for restitution to the City, (iii) the City reporting the expenses as income to the Councilmember to state and federal tax authorities, and (iv) prosecution for misuse of public resources.

PASSED AND ADOPTED this 10th day of July 2006.

APPROVED AS TO FORM



Robert G. Boehm  
City Attorney



City Clerk, Assistant

STATE OF CALIFORNIA )  
COUNTY OF VENTURA ) ss  
CITY OF SAN BUENAVENTURA )

I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on July 10, 2006, by the following vote:

AYES: Councilmembers Brennan, Summers, Fulton, Andrews, Weir, and Morehouse.

NOES: Councilmember Monahan.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on July 11, 2006.



Deputy City Clerk

